THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3146 OF 2006

Dated: 20-02-2006

Between

R. Jagadish Babu, S/o. R. Laxman Rao,

R/o. Flat No.404, Plot No.152, Bhanu

Residency, Srinagar Colony, Hyderabad.

...PETITIONER

AND

Hyderabad Urban Development Authority,

1-8-323, Paigah Palace, Police Lines,

Rasoolpura, Secunderabad rep. by its

Vice Chairman.

...RESPONDENT

ORDER:

Learned counsel for the petitioner submits that pursuant to the tenders floated by the respondent – HUDA in respect of plots in Nandagiri Hills in the month of February 2004 the petitioner participated and became the highest bidder in respect of Plot No.76 admeasuring 575 Sq. yards by depositing an amount of Rs.2,00,000/- as EMD on 14.02.2004. The learned counsel further submits that as per the terms and conditions of the auction notification the petitioner has not paid the 1/4th of the bid amount but on the other hand he made a representation dated 20.02.2004 stating that the plot No.76 was shown adjacent to Nandagiri Hills, the lay out is developed with 40 feet wide road and there shall be a rock

garden abutting to his plot but the HUDA has not made any attempt to form the rock garden abutting to his plot on its eastern side contrary to its claim in its brochure and application and without there being any rock garden the HUDA has prepared a false brochure and therefore, the petitioner requested to form the rock gardens abutting to his plot. It is further stated that the previous bid is not canceled and the respondent is proceeding to auction the said plot No.76 on 21.02.2006.

At the admission stage the learned standing Counsel for the respondent obtained instructions and submitted that the petitioner being fully aware of the site conditions participated in the bid and became the highest bidder quoting the highest bid and he has been making correspondence with the respondent only with a view to delay the payment to the respondent. He further submits that the petitioner being the successful bidder in respect of Plot No.76 in the auction conducted on 14.02.2004, but he failed to pay the initial deposit as per clause 5(j) of the terms and conditions of the brochure and the accordingly the EMD amount of Rs.2,00,000/- paid by the petitioner was forfeited as per clause 9(f) of the brochure by proceedings dated 09.03.2004. He further submits that the representations filed by the petitioner on 20.02.2004 and 14.11.2005 for re-allotment of the said plot No.76 were considered and rejected by letter dated 16.12.2005 and also the subsequent request made by the petitioner to re-consider the re-allotment of cancelled plot No.76 was also considered and rejected by letter dated 18.01.2006.

Having regard to the facts and circumstances of the case,
this court is of the opinion that without questioning the rejection of the
re-allotment of cancelled plot No.76 by letter of the respondent dated 18.01.2006, the petitioner is not entitled for any relief in this writ petition.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

February 20, 2006

DSK